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REMARKS

1. *Status of claims*

Claims 1-4, 6-11, 15-30, 32-37, 41-66, 70-73, 75-80, 84-91, 93-98, and 102-115 are pending in the application. Claims 1-4, 6-11, 15, 17-30, 32-37, 41, 43-66, 70-73, 75-80, 84, 86-91, 93-98, 102-113, and 115 are pending and under consideration. Claims 16, 42, 85, and 114 are pending but withdrawn. Claims 5, 12-14, 31, 38-40, 67-69, 81-83, 92, and 99-101 are cancelled.

2. *Applicant's summary of interview with Examiner on September 10, 2004*

a. A brief description of the nature of any exhibit shown or any demonstration conducted:

No exhibits were used nor was any demonstration conducted.

b. An identification of the claims discussed:

The discussion generally related to claims 1-4, 6-11, 15, 17-30, 32-37, 41, 43-66, 70-73, 75-80, 84, 86-91, 93-98, 102-113, and 115 which are pending and are under consideration.

c. An identification of the specific prior art discussed:

U.S. Patent No. 6,255,248 to Bansleben et al. ("Bansleben") was generally discussed during the interview.

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- d. An identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner:

Applicants and the Examiner discussed several potential claim amendments. Two of these potential amendments discussed involved incorporating language such as "oxygen scavenging moieties consisting essentially of pendant cyclic olefinic groups" or "consists essentially of a polyethylenic backbone". Applicants chose to incorporate the latter language into the independent claims but acknowledge that incorporating "oxygen scavenging moieties consisting essentially of pendant cyclic olefinic groups" into the independent claims will also distinguish the invention from the cited references.

Claim 1 now reads:

An active oxygen barrier composition, comprising: an oxygen barrier polymer, an oxygen scavenging polymer, and an oxidation catalyst, wherein the backbone of the oxygen scavenging polymer is ethylenic consists essentially of a polyethylenic backbone and the oxygen scavenging polymer comprises at least one cyclic olefinic pendant group.

Applicants have previously argued that Bansleben does not disclose an oxygen scavenging polymer "wherein the backbone of the oxygen scavenging polymer is a polyethylenic backbone" as Bansleben's oxygen scavenging polymer is *expected* to contain propylenic units as a consequence of some monomers (e.g. cyclopentene) contributing three carbon atoms to the polymer backbone (i.e. a propylenic unit). The incorporation of three carbon atoms into a polymer backbone, via 1,3-cyclopentene insertion, using monomers and methods described in Bansleben has been documented by Naga *et. al.*, *Macromol. Chem. Phys.* **2002**, *203*, 159-165 ("Naga"); Bansleben column 3, lines 25-27, Bansleben column 10, lines 28-43, Bansleben

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column 10, line 55 to column 11 line 4, Naga page 160 under *Copolymerization*, and Naga page 161, Table 1, examples 8-13. However, during the telephonic interview, the Examiner indicated that, in his view, polymers "wherein the backbone . . . is a polyethylenic backbone" could include polymers containing propylenic units within the backbone resulting from 1,3-insertion of cyclopentene. Applicants respectfully disagree with this interpretation. However, to advance the prosecution of this application, Applicants have amended claims 1, 28, 72, 89, and 90 to recite an oxygen scavenging polymer "wherein the backbone of the oxygen scavenging polymer consists essentially of a polyethylenic backbone."

In light of these claim amendments and Applicants' previous submissions, Applicants assert that the combination of the cited references does not teach or suggest all the limitations of currently pending claims.

e. A general indication of any other pertinent matters discussed:

No other pertinent matters were discussed.

f. The general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner:

The Examiner has correctly stated that the parties agreed that Applicants would file a Request for Continued Examination with claim amendments. This RCE was filed October 12, 2004.

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Respectfully submitted,

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